

HOUSE No. 763

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty for legislation to require the disclosure of names and addresses of owners of land taken by eminent domain. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT REQUIRING THAT THE NAMES AND ADDRESSES OF THE OWNERS OF LAND TAKEN BY EMINENT DOMAIN BE INCLUDED IN THE ORDER OF TAKING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 79 is hereby amended by striking out
2 section 1 and inserting in place thereof the following section:—
3 Section 1. Order of Taking; contents.
4 The taking of real estate or of any interest therein by right of
5 eminent domain may be effected in the following manner. A board
6 of officers upon whom authority to take real estate by eminent
7 domain on behalf of any body politic or corporate has been conferred by law, having first complied with all the preliminary
8 requirements prescribed by law, may adopt an order of taking,
9 which shall contain a description of the land taken sufficiently
10 accurate for identification, and shall state the interest therein
11 taken and the purpose for which such property is taken, and shall
12 contain the names and addresses of the putative owners of all land
13 taken as shown on the records of the assessors of the municipality
14 in which such land is taken as of the January first immediately
15 preceding the municipal fiscal year in which such land is taken,
16 and in case such taking is for an improvement for which better-
17 ments may be assessed, shall state whether betterments are to be
18 assessed therefor. In case there are trees upon the land taken, or
19 structures affixed thereto, the order of taking shall state whether
20 the same are to be included in the taking, and, if they are not so
21

22 included, shall allow the owner a reasonable time after the date of
23 the order or after entry or possession to remove the same, to be
24 specified in the order. The failure to include the names and
25 addresses of one or more of said owners of the land taken as pro-
26 vided for in the preceding sentence, or the incorrect identification
27 of any such owner, shall not affect the validity of the taking. The
28 naming of a putative owner in an order of taking shall not consti-
29 tute evidence of any ownership interest; or otherwise relieve any
30 owner of the burden of proving the right to damages in an action
31 under this chapter.

1 SECTION 2. This act shall take effect upon its passage.